

**Minutes of the Nineteenth Regular Meeting
For the Twenty-Sixth Highland Town Council
Monday, October 27, 2008**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 27, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed Works Board Order No. 2008-26, regarding an order for constraints on discretionary, non-essential spending.
3. The Town Council discussed the requirement by the Indiana Department of Environmental Management for insurance coverage for underground storage tanks.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Fifth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 27, 2008 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Attorney at Law; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director.

Leroy Fassett of the Shared Ethics Advisory Commission; Karen Ziants and Laurel Roach of the Community Events Commission; Phil Pena of the Board of Waterworks Directors; and Dominic Noce of the Redevelopment Commission were present.

Tom Brown of Koester and Brown Insurance as well as Shawn Pettit of Lamar Advertising, Inc., were also present.

Minutes of the Previous Session

The minutes of the regular meeting of September 22, 2008 and the Special Meeting of September 30, 2008 were approved by general consent.

Special Orders:

1. **Plan Commission Docket No. 2008-04:** Plan Commission initiating a change to the text of the Comprehensive Zoning Ordinance, particularly regarding Section 214.254 Temporary Signs (g) Political Signs. The matter is now certified by the Municipal Plan Commission with a *favorable* recommendation. The matter was considered at the Plan Commission meeting of October 15, 2008. The Findings of Fact were memorialized and approved by the Plan Commission on October 15, 2008. Pursuant to IC 36-7-4-607 (e), the Town Council may **adopt, reject** or **amend** the recommendation. If no action occurs within 90 days, the recommendation of the Plan Commission is adopted. The Town Council must act by **13 January 2009***.

(a) Action on Ordinance No. 1413: An Ordinance to Amend the Zoning Map as Requested by the Municipal Plan Commission.

** It should be noted that the Town Council adopted WB Order No. 2008-23 at its September 22, 2008 meeting adopting a lawsuit settlement agreement. As part of that agreement, the Town Council consented to take steps to amend the text of the zoning ordinance regarding the display of political signs.*

Councilor Herak moved to accept the favorable recommendation of the Plan Commission and adopt Ordinance No. 1413. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE NO. 1413
of the
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE to AMEND SECTION 214.254 (G) "SIGN, TEMPORARY" of the HIGHLAND MUNICIPAL CODE.

WHEREAS, Section 214.254 (G) is a section of the Highland Municipal Code under the title of "Sign, Temporary" which pertains to political signs; and

WHEREAS, There are portions of Section 214.254 (G) entitled "Political Signs" that are arguably unconstitutional and should be deleted from the sign ordinance; and

WHEREAS, The Town Council of the Town of Highland, has been advised that modification to certain provisions of Section 214.254 (G), as amended, would be desirable; and,

WHEREAS, The Town Council of the Town of Highland, as the Town legislative body, now desires to modify and amend Section 214.254 (G) to delete any portions of that section that may come under constitutional scrutiny.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council for the Town of Highland, Lake County, Indiana as follows:

Section 1. That Section 214.254 (G) entitled "Political Signs" should be repealed in its entirety and replaced with a new subdivision which shall be identified as Section 214.254 (G), and which shall now read as follows:

"214.254 (G) Political Signs. Political Signs shall not be permitted in Town Parks and shall not be placed on Town owned property except for "Election Day" on the premises at which an election is being held, at which time political signs shall be allowed only on said "Election Day" and shall be removed at the end of said "Election Day." Political signs shall not be placed on public rights-of-way, easements, parkways, phone poles, or light poles. Political signs shall not require a permit from the Town."
Certificate of the Municipal Plan Commission

It is hereby certified that the foregoing proposed zoning amendment was considered at a regular or special meeting by the Highland Municipal Plan Commission, having encountered by a vote of 5 in favor and 0 opposed, and was duly forwarded with a **favorable recommendation** for adoption to the Town Council of Highland by the Highland Municipal Plan Commission, on the 15th day of October 2008.

TOWN OF HIGHLAND
Municipal Plan Commission

Mario Martini, President

Attest:

James Slagle, Secretary

Action by Legislative Body

Duly Ordained and (Adopted/Rejected) pursuant to the provisions of IC 36-5-2-9.8 (b)(1), by the recommendation of the Plan Commission is noted and the Ordinance is (adopted/defeated) by the Town Council of the Town of Highland, Lake County, Indiana, this 27th day of October 2008, having sustained a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Communication:

1. The Clerk-Treasurer read a letter from the Highland Chamber of Commerce. Midwest Zest Fest Committee, reporting the potential impact if Ordinance No. 1403 is adopted and appealing to the Town Council to not adopt the ordinance eliminating all alcoholic beverage sales on the public way. The letter was received as information.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for August 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	2	2	0	\$380,000.00	\$4,220.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	115	115	0	\$669,632.00	\$11,386.00
Addit/Remodel					
Commercial	6	0	3	\$298,629.00	\$3,907.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	2	2	0	\$1,398.00	\$242.00
Fences	19	16	3	\$45,881.00	\$1,624.00
Garage	3	3	0	\$34,490.00	\$881.00
Swimming Pools	2	2	0	-	\$40.00
Misc. Permits	7	7	0	\$45,148.00	\$862.00
Misc. other	2	1	1		\$259.00
Signs	7	0	7	\$49,555.00	\$862.00
Fire Repair	0	0	0	\$0	\$0
Total:	165	148	17	\$1,524,730.00	\$24,283.00
Electrical Permits	41	35	6		\$3,151.00
Mechanical Permits	5	4	1	0	\$416.00
Plumbing Permits	7	5	2		\$830.70
Water Meters	2	2	0		\$200.00
Water Taps	2	2	0		\$400.00
Sewer Taps	5	5	0		\$1,500.00
Total:	16	14	2		\$2,930.70

August Code Enforcement: 171 warnings issued and 10 citations were issued.

There were 33 final building inspections, 8 plumbing inspections, and 26 electrical inspections. There was 1 electrical exam given.

• **Building & Inspection Report for September 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$189,500.00	\$2,110.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	147	147	0	\$931,966.00	\$14,772.00
Addit/Remodel					
Commercial	7	0	7	\$59,340.00	\$1,734.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	1	1	0	\$1,500.00	\$131.00
Fences	19	18	1	\$59,340.00	\$1,734.00
Garage	1	1	0	\$10,500.00	\$287.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	6	6	0	\$44,036.00	\$730.00
Misc. other	2	2	0		\$149.00
Signs	7	0	7	\$60,076.00	\$2,187.00
Fire Repair	0	0	0	\$0	\$0
Total:	191	176	15	\$1,335,334.00	\$23,199.00
Electrical Permits	18	12	6		\$1,555.00
Mechanical Permits	5	5	0	0	\$1,555.00
Plumbing Permits	5	5	0		\$522.80
Water Meters	2	2	0		\$200.00
Water Taps	2	1	1		\$400.00
Sewer Taps	1	1	0		\$300.00
Total:	10	9	1		\$1,422.80

September Code Enforcement: 160 warnings issued and 7 citations were issued.

There were 16 final building inspections, 5 plumbing inspections, and 25 electrical inspections. There was 1 electrical exam given.

• **Fire Department Report for September 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	13	114	111	
Car Fires	0	11	7	
Still Alarms	8	117	96	
Ambulance calls	0	1	1	

• **Workplace Safety Report for September 2008**

There was one incident reported in September. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	1	6	10	0	13	55	70
Street	0	5	2	0	2	0	0
Water & Sewer	0	4	3	0	0	0	0

Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	1	19	25	0	15	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

- **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. **Executive Appointment** to the *Advisory Board of Zoning Appeals*
(Plan Commission member) Vacancy exists from Dan Buksa resignation. Term is co-extensive with appointee's term on Plan Commission. The Town Council President announced his appointment of **James Slagle**, 3504 Eder Street, Highland, for this appointment.
2. **Executive Appointment** to the *Board of Waterworks Directors*
Vacancy exists from Arthur Burkman resignation. Term is the unexpired term of resigned member, set to expire 1st Monday in January 2009. The Town Council President announced his appointment of **Fred Wanicki**, 3734 Manor Drive, Highland, for this appointment.
3. **Fiscal Body Appointment** to the *Advisory Board of Zoning Appeals*
(Citizen Member) Vacancy exists from Tom Palmer resignation. Term is the unexpired term of resigned member, set to expire 1st Monday in January 2009.

Councilor Herak moved the appointment of **Dave Helms**, 9306 Waymond Avenue, Highland, to the Advisory Board of Zoning appeals. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Helms was appointed.

4. **Legislative Appointments (2)** to the *Community Events Commission*
(Citizen Members) Two Vacancies exist. One comes from Bill Vargo resignation. Term is the unexpired term of resigned member, set to expire 1st day in January 2009. The other is an unfilled position, which will also expire 1st day in January 2009.

Councilor Herak moved the appointment of **Robert Roach**, 9026 Price Place, Highland and **Brandon Wolak**, 3836 Highway Avenue, Highland, to the Community Events Commission. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Roach and Mr. Wolak were appointed.

Unfinished Business and General Orders:

1. **Resolution No. 2008-44:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Motor Vehicle Highway (MVH) Fund** and in the **Sanitation Department of the Corporation General Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2008-44. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-44

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY (MVH) FUND AND IN THE SANITATION DEPARTMENT OF THE CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Motor Vehicle Highway (MVH) Fund** and the **Sanitation Department in the Corporation General Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Motor Vehicle Highway (MVH) Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

MOTOR VEHICLE HIGHWAY (MVH) FUND

Reduce Account:	#390.0X Tree Service	<u>\$ 8,236.00</u>
	<i>Total 300 Series Reductions</i>	\$ 8,236.00
Increase Account:	#210.01 Gasoline & Oil	<u>\$ 8,236.00</u>
	<i>Total 200 Series Increases</i>	\$ 8,236.00
Total of All Fund Decreases:		\$ 8,236.00
Total of All Fund Increases:		\$ 8,236.00

Section 3. That it has been shown that certain existing appropriations of the **Sanitation Department in the Corporation General Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Sanitation Department

Reduce Account:	#111.38 Summer Seasonal Workers	<u>\$ 1,516.39</u>
	<i>Total 100 Series Reductions</i>	\$ 1,516.39
Increase Accounts:	#210.01 Gasoline & Oil	<u>\$ 1,516.39</u>
	<i>Total 200 Series Increases</i>	\$ 1,516.39
Total of All Fund Decreases:		\$ 1,516.39
Total of All Fund Increases:		\$ 1,516.39

DULY RESOLVED and ADOPTED this 27th Day of October 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2008-45:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Municipal Cumulative Capital Development Fund** and in the **Solid Waste District Grant Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2008-45. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-45

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT (MCCD) FUND AND IN THE SOLID WASTE DISTRICT GRANT FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Municipal Cumulative Capital Development (MCCD) Fund** and the **Solid Waste District Grant Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Municipal Cumulative Capital Development (MCCD) Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT (MCCD) FUND

Reduce Account:	#410.02 Town Hall Rehabilitation	\$ 60,000.00
	#410.03 Central Fire Station	\$ 55,000.00
	Total 400 Series Reductions	\$ 115,000.00
Increase Account:	#Storm Damage Clean-up	\$ 115,000.00
	Total 300 Series Increases	\$ 115,000.00
	Total of All Fund Decreases:	\$ 115,000.00
	Total of All Fund Increases:	\$ 115,000.00

Section 3. That it has been shown that certain existing appropriations of the **Solid Waste District Grant Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

SOLID WASTE DISTRICT GRANT FUND

Reduce Account:	#390.08 Contract Services- Disposal	\$ 625.00
	Total 300 Series Reductions	\$ 625.00
Increase Accounts:	#230.04 Recycling Bins	\$ 625.00
	Total 200 Series Increases	\$ 625.00

Total of All Fund Decreases:	\$ 625.00
Total of All Fund Increases:	\$ 625.00

DULY RESOLVED and ADOPTED this 27th Day of October 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Resolution No. 2008-46:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Metropolitan Police Department and the Office of the Clerk-Treasurer of the Corporation General Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2008-46. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-46

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT and the OFFICE OF THE CLERK-TREASURER of the CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Metropolitan Police Department and the Office of the Clerk-Treasurer in the Corporation General Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Metropolitan Police Department in the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account:	#360.01 Equip Maintenance	\$ 5,000.00
	<i>Total 300 Series Reductions</i>	\$ 5,000.00
Increase Accounts:	#220.04 Equip Parts	\$ 5,000.00
	<i>Total 200 Series Increases</i>	\$ 5,000.00

Section 3. That it has been shown that certain existing appropriations of the Office of the Clerk-Treasurer in the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a

category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Office of the Clerk-Treasurer

Reduce Account: #200.01 Stationary & Printing	\$ 220.00
<i>Total 200 Series Reductions</i>	\$ 220.00

Increase Accounts: #390.01 Subscriptions & Dues	\$ 220.00
<i>Total 200 Series Increases</i>	\$ 220.00

Total of All Fund Decreases:	\$ 5,220.00
Total of All Fund Increases:	\$ 5,220.00

DULY RESOLVED and ADOPTED this 27th Day of October 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Resolution No. 2008-47:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 from Rainy Day Fund to the Parks VIPS Public Safety Fund.

Councilor Vassar moved the passage and adoption of Resolution No. 2008-47. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Resolution No. 2008-47**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **PARKS VIPS Public Safety Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy-Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$4,500.00** be borrowed for the **PARKS VIPS Public Safety Fund** with the amount of **\$4,500.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$4,500.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **PARKS VIPS Public Safety Fund** with such loan to be repaid no later than December 31, 2008, subject to IC 36-1-8-4(b).

Section 3. That pursuant to Ordinance No. 1408, re-establishing a Rainy Day Fund for the Town, an affirmative vote of four members of the Town Council shall be necessary to pass this resolution.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 27th day October 2008. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2008-24:** An Order Affirming, Ratifying, Authorizing and Approving agreement(s) between Bond Counsel, Local Counsel and the Town of Highland to perform Professional Legal services in support of the Issuance of the Corporation Bonds of 2008.

Councilor Herak moved the passage and adoption of Works Board Order No. 2008-24. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works**

Order of the Works Board No. 2008-24

AN ORDER AFFIRMING, RATIFYING, AUTHORIZING AND APPROVING AGREEMENT(S) BETWEEN BOND COUNSEL, LOCAL COUNSEL AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL LEGAL SERVICES IN SUPPORT OF THE ISSUANCE OF THE CORPORATION BONDS OF 2008

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to resurface many of the roads and streets throughout the Town;

Whereas, The Town Council did authorize the sale of Corporation Bonds of 2008, which were in fact sold and settled on October 16, 2008; and

Whereas, The Town has heretofore determined that a need exists to engage professional legal services associated with the sale of the Corporation Bonds; and

Whereas, ICE MILLER, a law firm, has consented to provide professional services related to issuing the Corporation Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel; and

Whereas, Tauber, Westland and Bennett, PC, a law firm, has consented to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Agreement (incorporated by reference and made a part of this Order) between ICE MILLER, and the Town of Highland, to provide professional services related to issuing the Corporation Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 31.62 of the municipal code;

Section 3. That the Agreement (incorporated by reference and made a part of this Order) between Tauber, Westland and Bennett, PC, a law firm, to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality is hereby approved, adopted and ratified in each and every respect;

Section 4. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 31.62 of the municipal code;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 27th day of October 2008 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2008-25:** An Order of the Works Board Finding, Determining and Extending and Emergency Proclamation of the Municipal Executive and to permit funding by the Municipal Cumulative Capital Development Fund, pursuant to IC 10-14-3-29 and IC 36-9-15.5-8(c).

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-25. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND
Works Board Order No. 2008-25
DECLARATION of the MUNICIPAL LEGISLATIVE BODY**

**FINDING, DETERMINING AND EXTENDING AND EMERGENCY PROCLAMATION OF THE MUNICIPAL
EXECUTIVE AND TO PERMIT FUNDING BY THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT
FUND, PURSUANT TO IC 10-14-3-29 AND IC 36-9-15.5-8(C).**

Whereas, From time to time circumstances exist such that an exigency occurs that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action; and

Whereas, The Town of Highland, through its Town Council President, as the principal executive officer did previously to issue a finding and determination that an emergency exists sufficient to support the declaration of a *Local Disaster Emergency*, all pursuant to IC 10-14-3-29, *as regards the Tornado related weather incident of August 4, 2008;*

Whereas, IC 10-14-3-29 limits the period of an emergency proclamation of the Executive to seven days unless extended by action of the Legislative body;

Whereas, There were certain costs incurred in connection with the response to the damages which were incurred in consequence of the emergency and weather incident of August 4, 2008 and the Town desires to use resources on deposit to the credit of the Municipal Cumulative Capital Development Fund, pursuant to IC 36-9-15.5-8(c) to support some of the costs associated with the disaster costs; and,

Now Therefore be it hereby Proclaimed and declared by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1 That the Executive Emergency Proclamation issued by the Town Council President pursuant to IC 10-14-3-29, in which he determined and proclaimed that there existed a local disaster emergency in the Town of Highland, Lake County, Indiana, to be continued for a period not to exceed seven (7) days from the date of its entry, is hereby affirmed, approved and extended beyond the seven day limitation;

Section 2. That having affirmed and extended the Town Council President's original Emergency Proclamation, finding that the public health, welfare, or safety is in immediate danger such that it requires the expenditure of money in the **Municipal Cumulative Capital Development Fund**, provided such expenditure shall be for purposes to protect the public health, welfare, or safety in this emergency situation that demands immediate action, *it is*

hereby authorized and approved for the expenditure of resources from the fund for costs associated with the August 4, 2008 incident, all pursuant to Section § 175.02 (B)(1) of the Municipal Code and IC 36-9-15.5-8(c).

Be it So Ordered.

DULY PASSED AND ADOPTED pursuant to and under the authority of Highland Municipal Code Section § 175.02 (B)(1) and IC 10-14-3-29. Entered this 27th day of October 2008 by the Town Council of the Town of Highland, Lake County, Indiana having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2008-26:** An Order of the Works Board Instructing municipal department heads that no discretionary, desirable, non-essential spending shall be permitted for the balance of the fiscal year without the approval of the departmental liaison from the Town Council.

Councilor Herak moved the passage and adoption of Works Board Order No. 2008-26. Councilor Novak seconded. Prior to the roll call, a motion to amend was adopted. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted as amended.

After introduction, prior to adoption, Councilor Herak moved to amend Works Board Order No. 2008-26 to provide that the review and approval of the Town Council liaison would be triggered for expenditures of five hundred dollars (\$500) and above. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The works board order was amended.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2008-26**

AN ORDER OF THE WORKS BOARD INSTRUCTING MUNICIPAL DEPARTMENT HEADS THAT NO DISCRETIONARY, DESIRABLE, NON-ESSENTIAL SPENDING SHALL BE PERMITTED FOR THE BALANCE OF THE FISCAL YEAR WITHOUT THE APPROVAL OF THE DEPARTMENTAL LIAISON FROM THE TOWN COUNCIL.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.;

Whereas, Owing to continuing delays in property tax billing and collection as well as the effects of IC 6-1.1-18-2, which freezes the controlled property tax levies, there exists a concern about cash flow for the municipality;

Whereas, Pursuant to Section § 31.17, the Town Council is the purchasing agency for the several executive departments and, pursuant to IC 36-1-2-6(4) is the fiscal body for those departments for which it is not the purchasing agency;

Whereas, Pursuant to its authority as previously described, the Town Council now wishes to take steps to conserve where possible the flow of cash resources; and

Whereas, The Town Council now desires to take such steps as will best affect the conservation of cash and the protection of cash flow;

Now Therefore Be it hereby Ordered BY the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That effective **October 28, 2008** and continuing until the end of the fiscal year, all discretionary, non-essential purchasing **in the amount of \$500 or greater**, will not be authorized without the approval of the proper department head or designee and the assigned departmental liaison for the department;

Section 2. That approval will be evidenced by the signature of the departmental liaison on the purchase order;

Section 3. That discretionary spending will not be construed to include lease-rental payments already approved as of the date of this order, payroll, approved insurance and benefit premium payments;

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to carryout and enforce the terms of this order;

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 27th day of October 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

8. **Works Board Order No. 2008-27:** An Order of the Works Board authorizing and approving the participation of the Town of Highland in the Indiana Municipal Utility Group filing an intervenor petition in the NIPSCO Rate Case No. 43526.

Councilor Novak moved the passage and adoption of Works Board Order No. 2008-27. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2008-27**

**AN ORDER OF THE WORKS BOARD AUTHORIZING AND APPROVING THE PARTICIPATION OF THE
TOWN OF HIGHLAND IN THE INDIANA MUNICIPAL UTILITY GROUP FILING AN INTERVENOR
PETITION IN THE NIPSCO RATE CASE NO. 43526.**

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.;

Whereas, Northern Indiana Public Service Company (NIPSCO) has presently filed a petition with the Indiana Utility Regulatory Commission (IURC) to permit a revision and increase to its rates for electrical service;

Whereas, Town of Highland, through its utilities and all executive departments, did pay in FY 2007 the amount of \$575,698 for all electrical services, and \$232,000 for street and traffic lights;

Whereas, Town Council has been reliably advised that the Towns of Schererville, and Munster have taken steps to participate in an petition filed with the IURC to intervene in NIPSCO's Rate Case No. 43526 for the purposes of protecting the municipality from any undue rate increase and perhaps to foster the adoption of an approved rate that will produce savings in energy costs for the municipality;

Whereas, Town Council has been reliably advised that the Towns of Schererville, and Munster have approved an agreement with London Witte Group, LLC, operating in an arrangement to be called the Indiana Municipal Utility Group, to support the work of the *intervenor* petition of their behalf;

Whereas, The Town Council determines that participating in such an effort will be of benefit and public utility for the municipality and may well protect against undue increases in energy costs and perhaps foster savings; and,

Whereas, The Town Council now desires to take such steps to approve participation in the intervenor petition and to engage ;

Now Therefore Be it hereby Ordered BY the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That municipality of the Town of Highland, Lake County, Indiana, be hereby authorized and approved to participate in the Intervening Petition filed in connection with the NIPSCO Rate Case No. 43526;

Section 2. That the agreement to engage the services of London Witte Group, LLC, operating as the Indiana Municipal Utility Group, *included herein as an exhibit*, is hereby approved, provided that the terms related to costs be allocated among all participating municipalities or public entities, as a share of cost and that the share of cost to the Town of Highland not exceed the amount of \$47,000, an amount which represents one third of the cost estimate noting that enlisting more than three municipalities is desired, without the express approval of the Town Council;

Section 3. That the if the effort requires compliance with the terms of IC 36-1-7 et seq. that this order be construed to be a resolution under its terms, and that any change in terms from those agreed to in this action not be approved without express action of the Town Council;

Section 4. That the proper officers of Town are authorized to execute with their signatures the documents related to this action.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 27th day of October 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

October 21, 2008

Town Council
Town of Highland
3333 Ridge Road
Highland, Indiana 46322-3351

Re: Letter of Engagement with the Indiana Municipal Utility Group to Intervene on behalf of the Town of Highland in Cause No. 43526 and related matters.

This letter of engagement relates to the above captioned proceeding and related matters as they arise incidental to this proceeding. This phraseology is used, as there may be a corollary proceeding filed during this calendar year related to Demand Side Management which may interest the Town and into which the Town may wish to intervene as well. If after that proceeding is filed with the IURC, the Town chooses not to participate, that is of course, is its option.

Scope

The scope of this engagement is by and large dictated by representatives chosen by the Cities and Towns who serve as members of an Ad Hoc Board created for the purpose of directing the efforts of experts engaged by the Indiana Municipal Utility group. The benefits provided by the Indiana Municipal Utility Group will be to provide issue identification, member group information coordination, and the experienced utility counsel and technical experts necessary to effectively influence the outcome of this proceeding. We will also calculate the impact that IURC decisions have on the electric bills of your Town.

I will likely be meeting in person or telephonically on a fairly regular basis with the members of the Board. This proceeding will be litigious and written matters may not be covered by client confidentiality provisions afforded the legal profession.

Compensation

The materials attached to the website www.indianamunicipalutilitygroup.org include a budget that is my best estimate of the cost to take the base rate case in Cause No. 43526 from start to finish. That budget may well be too high if case settlement is reached by the parties or if the Member Board decides it is not getting its money's worth. The budget may be too low if the Member Board decides to pursue matters beyond those identified by Mr. Heid, or if the case is unusually litigious. As a point of fact, the last two Nipsco proceedings of significance of which I am aware settled, and the parties who materially participated in the settlement received a complete refund of intervention costs as a settlement provision.

For planning purposes, pending a more complete list of participants, I request that your Council approve moving forward by authorizing the execution of this letter of engagement and expenditures not to exceed \$30,000.

Time Frame

As I have indicated, should this case not settle, it will likely not be through the briefing stage until around October of 2009. The length of the engagement will be dictated by the Member Board. It is important, however, that we get moving on initial data request of the Company, and commence reviewing data requests submitted by other parties, as we don't want to get too far behind the curve.

If you find the preceding acceptable and wish to engage the Indiana Municipal Utility Group and its resources, please indicate so by signing below on the line indicated.

Sincerely,

Theodore J. Sommer
Indiana Municipal Utility Group

TOWN of HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council also acting as the Works Board

By:

Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer

Participant Execution Date: _____

9. **Proposed Ordinance No. 1412:** An Ordinance revising and Amending the Highland Municipal Code, CHAPTER 170, PARTICULARLY REGARDING THE FEES CHARGED FOR THE SOLID WASTE MANAGEMENT PROGRAM of the Town, Particularly, all pursuant to IC 36-1-5 and IC 36-9-30 et seq. (This ordinance if adopted will increase the monthly fee solid waste manage fee by \$1.00 pre class effective December 1 and increase by .65¢ per month effective in May 2009. The ordinance cannot be adopted before a public hearing is advertised pursuant to IC 36-9-30 and IC 5-3-1.) Councilor Vassar introduced and filed Ordinance no. 1412. There was no further action.
10. Action on approving insurance plan coverage for **underground gasoline storage tanks**, underwritten by Colony Insurance Group, as presented by Koester & Brown Insurance as broker-agent.

Councilor Herak moved to approve and accept the insurance policy underwritten by Colonial Insurance Company, Inc., for four underground storage tanks, with the highest deductible in the amount of \$10,000 for each claim. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The highest deductible plan was adopted.

11. Receipt of report from a special committee of the Town Board of Metropolitan Police Commissioners, appointed by the Town Council on July 28, 2008 to review a call for service involving *Peggy Hurst* and all parties, pursuant to Section 51.02 (C) of the Highland Municipal Code.

Councilor Vassar moved to accept the report of the special committee of the Town Board of Metropolitan Police Commissioners. Councilor Kuiper seconded. Upon a roll call vote, there five affirmatives and no negatives. The motion passed. The report was adopted.

**TOWN OF HIGHLAND
BOARD OF METROPOLITAN POLICE COMMISSIONERS**

FINDINGS OF FACT FOR INVESTIGATION OF POLICE COMMISSIONER

1. On July 28, 2008, the Town Council of the Town of Highland, pursuant to Section 51.02(C) of the Highland Municipal Code, determined that an investigation should be made into the possible removal of Patricia Van Til as a member of the Board of Metropolitan Police Commissioners for the Town of Highland. The Town Council established a committee consisting of Police Commission members James Turoci, James DeGraaf and Danny Stombaugh, hereinafter referred to as the "Committee", to conduct an investigation and report back to the Town Council with written recommendations.

2. Pursuant to Subsection 51.02(C) of the Highland Municipal Code, the Committee established by the Town Council is empowered to seek out the advice of such persons as it deems appropriate and to interview those persons required to complete its investigation.

3. The report of the Committee shall be advisory only, and the Town Council shall in all events make final such final decisions as may be permitted or required by I.C. 36-9-3.1(6).

4. The Committee has proceeded with its investigation and met in Executive Session on September 18, 2008.

5. At that time, the Committee interviewed Police Commissioner Van Til and as part of its investigation, it reviewed the Highland Police Department police report, the statement of Detective Mark Santino, the report of the incident by the military personnel to their supervisor, the follow-up report by the military personnel to their supervisor regarding Officer Norris and Snow's demeanor, and completed its investigation.

6. Based upon the evidence obtained through its investigation, its review of the investigative documents referred to above, and its interview with Police Commissioner Van Til, with her counsel, James L. Wieser, being present, and being duly advised in the premises, the Committee now finds as follows:

- a. That on June 3, 2008, Police Commissioner Van Til appeared at the residence of her sister, Peggy Hurst, while certain military personnel and Officers Norris and Snow of the Highland Police Department were serving a warrant for the arrest of Joshua A. Hurst.

b. Considering Police Commissioner Van Til's background as a retired police officer and a current employee of a policy agency, the Committee would have expected her behavior to be more understanding of the situation and less confrontational towards the Highland police officers and the military personnel during the incident.

c. That the presence of Police Commissioner Van Til at her sister's residence while the arrest warrant was being served by the military personnel, in conjunction with the Highland police officers gave an appearance of impropriety based upon her status as a Police Commissioner and the Committee concludes that Police Commissioner Van Til's conduct during the June 3, 2008, incident was less than appropriate.

d. That the Committee finds that although Police Commissioner Van Til's conduct was less than appropriate during the incident, her actions do not constitute sufficient grounds for her removal as a member of the Highland Police Commissioner.

WHEREFORE, based on the above findings of fact, the Committee of the Highland Police Commission established by the Highland Town Council, by a vote of _____ in favor and _____ opposed, hereby recommends to the Town Council that the Town Council provide a written reprimand to Police Commissioner Van Til regarding her involvement in this incident and that no further action be taken with regard to her removal as a Police Commissioner pursuant to IC 36-8-9-3.1.

Action taken on the 9th day of October, 2008. Findings of Fact approved this 9th day of October, 2008.

COMMITTEE APPOINTED BY TOWN COUNCIL:

By: James DeGraaf
James DeGraaf, Chairman

By: James Turoci
James Turoci

By: Danny Stombaugh
Danny Stombaugh

Comments from the Town Council Members

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak reported that he expected a storm water management and action plan to be presented to the Board of Sanitary Commissioners at its meeting of November 19.

Councilor Herak also engaged in a colloquy with the Public Works Director regarding the timetable for the Kennedy Avenue Reconstruction Project and the Cline Avenue Project.

Councilor Herak indicated that the Park and Recreation Board was scheduled to act on a declaratory resolution for the Lincoln Center Reconstruction Project on November 20, 2008.

- **Councilor Dan Vassar:** *Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.*

Councilor Vassar commented on the continuing work of the Plan Commission and the Redevelopment Commission moving toward adoption of design standards for the Redevelopment Area.

- **Councilor Brian Novak:** *Waterworks Board Liaison • Fire Personnel Committee • Lake County Solid Waste Management District Board of Directors • Insurance committee, member.*

Councilor Novak noted a recent response by the Fire Department in Griffith under the aegis of the mutual aid agreement.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper noted that the Traffic Safety Commission would be meeting on November 5 at 2:00 p.m. and the Crime Watch meeting would be convened at the Highland Public Library on November 12.

Councilor Kuiper offered remarks to rebut any perceptions about the Town Council 's apparent unanimity and that it this did not suggest an absence of individual deliberation.

- **Councilor Bernie Zemen:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President reminded residents to be sure to vote on Election Day, November 4, 2008. He further noted that the Christmas Parade would be conducted on Saturday November 29. He further noted that trick or Treat hours were 5:00 p.m. to 7:00 p.m.

Comments from the Public

1. Catherine Marlowe, 8811 Parkway, Highland, indicated that she was joined by several residents from the Brantwood Subdivision who were concerned about the number of break-in's reported in the neighborhood. Ms. Marlow requested information regarding what was being done by the Metropolitan Police Department and what could be done.

With leave from the Town Council, the Metropolitan Police Chief was permitted to respond to the resident's concern and discuss the actions of the Metropolitan Police Department as well as offering suggestions to the residents that would reduce their vulnerability to burglary.

2. Jennifer Pohlplatz-Gregory, _____, Highland, inquired about how the Metropolitan Police Department was allocating its resources to areas where there is a known crime problem.
3. A woman who did not identify herself, inquired whether or not the police department had captured any suspects who may have committed the recent burglaries. She further inquired

whether or not a sign warning of the installation of alarms were of any value in preventing a burglary.

4. Rick Volbrecht, 9221 Parkway Drive, Highland, commented to remind the persons present of the public question that would be on the ballot on election day concerning whether or not the Town's water utility should be removed from the jurisdiction of the Indiana Utility Regulatory Commission (IURC).

With leave from the Town Council, Phil Pena, a member of the Board of Waterworks Directors, was invited by Councilor Herak to offer some reasons why the Waterworks Board recommended the withdrawal from the IURC.

5. Mary Luptak, Executive Director of the Highland Chamber of Commerce, indicated that the Chamber would donate bags for holding candy to be given to children at the Christmas Parade. In addition, Ms. Luptak expressed the position of the Highland Chamber that it hoped to be able to continue hosting a beer garden in conjunction with its annual Midwest Zest Fest.
6. Jim Diehl, 10105 Kennedy Avenue, Highland, inquired as to the purposes of an indoor tree that was located in the plenary meeting room.
7. Vern Sieb, 3024 Lakeside Drive, Highland, inquired about the progress of a report by the Sanitary Board to respond and eliminate the recent problems with flooding in Industrial Park where his business is located and in basements in the community.

Mr. Sieb, commented on the received special committee report from the special committee of the Town Board of Metropolitan Police Commissioners regarding the Peggy Hurst incident report inquiring if there would be any further action than that already taken, particularly whether or not any apology would be required from Metropolitan Police Commissioner Van Til.

8. Dennis Adams, 8421 Delaware Place, Highland, recalled an earlier meeting of the prior Town council convened at the Lincoln community Center in which a map was presented that identified and logged the several residences that had experience water problems in consequence of the September 2006 storm event. Mr. Adams inquired whether or not such a map was being prepared based upon this most recent storm incident. Mr. Adams again reported that the home of his daughter, 2843 Ross Street, had experienced basement flooding on September 13, 2006 and again this recent event, September 13-14 2008. Mr. Adams further reported that his property at 9350 Erie Street also experienced water during the storm event. Mr. Adams again urged the Town Council to take steps to improve the storm and sanitary sewers.
9. Mrs. Ronald Reed, 2100 Kenilworth Street, Highland, reported water in her basement from the recent storm incident. Mrs. Reed noted that Kenilworth is at a higher elevation than the lawns along the street. Mrs. Reed perceived that this may be the cause of the water problem and asked that the matter be addressed.
10. John Pulleyblank, 8822 Idlewild, Highland, reported that there were many holes on Idlewild and expressed his belief that the street was in need of resurfacing. Mr. Pulleyblank requested that the Town Council include Idlewild in its resurfacing plans.
11. _____, 8049 Duluth, Highland, inquired about how many sanitary manholes were installed below grade, noting there was one in front of his house that he perceived to be

below grade. He further inquired about the veracity of rumors that a storm water retention pond was planned for the area near the back of his house.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period September 23, 2008 through to October 27, 2008. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$855,732.28; Motor Vehicle Highway and Street (MVH) Fund, \$60,829.87; Local Road and Streets Fund, \$12,633.26; VIPS/Park Public Safety Fund, \$5,712.78; Federal Forfeit and Seized Assets Fund, \$869.11; Local Forfeit and Seized Assets Fund, \$4,088.00; Law Enforcement Continuing Education, Training and Supply Fund, \$2,661.53; Corporation Capital Retainage Fund, \$32,826.60; Innkeeper Tax Fund, \$5,000.00; Insurance Premium Fund, \$103,339.41; Gasoline Fund, \$34,183.32; Information Communications Technology Fund, \$15,546.94; Solid Waste District Grant Fund, \$1,613.89; Civil Donation Fund, \$3,418.52; Building Acquisition Project Fund, \$5,419.53; 1925 Police Pension Fund, \$116,418.74; Municipal Cumulative Capital Development Fund, \$202,421.15; General Improvement Fund, \$25.00; Traffic Violations Agency Fund, \$3,564.50; Safe Neighborhood Grant Fund, \$17,819.60; Municipal Cumulative Street Fund, \$1,030.00; Corporation Capital Fund, \$4,000.00; Total: \$1,489,154.03.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a vote, *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, October 27, 2008 was adjourned at 8:37 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer